



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,571	01/23/2006	Ye-Sun Joung	3364P212	6863

7590 11/19/2009
Blakely Sokoloff Taylor & Zafman
12400 Wilshire Boulevard
7th Floor
Los Angeles, CA 90025

EXAMINER

ENGELSKIRCHEN, JEREMY D

ART UNIT	PAPER NUMBER
----------	--------------

2168

MAIL DATE	DELIVERY MODE
-----------	---------------

11/19/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,571

Applicant(s)

JOUNG ET AL.

Examiner

JEREMY D. ENGELSKIRCHEN

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to applicant's communications filed July 14, 2009. The Applicant's remarks and amendments were considered with the results that follow.

Response to Amendment

2. Claims 1-9 are pending in this application. Claims 1 and 4-7 have been amended.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Tabatabai et al. (Pub. No. US 2003/0031260), hereinafter Tabatabai. Tabatabai was cited by the examiner in PTO-892 dated January 23, 2008.**

5. With respect to claim 1, Tabatabai discloses in a device for editing and authoring object-based AV (audio and visual) contents using the MPEG-4 (moving picture experts group 4) method, an object-based MPEG-4 contents editing and authoring device ([0029], lines 1-12; *Authoring system which transcodes between multimedia content data (which is data defined by the MPEG-4 standard)) comprising:*

an extensible description generator for receiving either of an MPEG-4 textual format or internal data structure information of object-based MPEG-4 contents, and MPEG-7 (moving picture experts group 7) descriptions of the MPEG-4 contents, and generating an XML (extensible markup language) based textual format file including the MPEG-7 descriptions, wherein the MPEG-7 descriptions are generated from the object-based MPEG-4 contents (see [0030], [0032] and [0033]);

an extensible description/binary converter for receiving the XML based textual format file including the MPEG-7 descriptions generated by the extensible description generator, and generating a binary file from the XML based textual format file ([0010]-[0014] and [0033]); and

an XML based contents storage unit for storing the XML based textual format file generated by the extensible description generator and the binary file generated by the extensible description/binary converter ([0065], lines 10-15).

6. With respect to claim 2, Tabatabai discloses an MPEG-4 contents storage unit for storing the object-based MPEG-4 contents (Abstract, lines 11-12); and an MPEG-7 description generator for generating MPEG-7 descriptions of the object-based MPEG-4 contents stored in the MPEG-4 contents storage unit (see [0030]).

7. With respect to claim 3, Tabatabai discloses wherein the XML based contents storage unit stores either of the textual format or the binary file generated on the XML basis and storage

information of the MPEG-4 contents storage unit of the object-based MPEG-4 contents related to the corresponding XML based file ([0065], lines 10-15).

8. With respect to claim 4, Tabatabai discloses an object-based MPEG-4 (moving picture experts group 4) contents editing and authoring method comprising: receiving one of a textual file and an internal data structure of object-based MPEG-4 contents stored in a contents database (see [0030], [0032] and [0033]);

receiving MPEG-7(moving picture experts group 7) descriptions of the object-based MPEG-4 contents (), wherein the MPEG-7 descriptions are generated from the object-based MPEG-4 contents ([0033]); and

combining either of the textual file or the internal data structure of the object-based MPEG-4 contents with the MPEG-7 descriptions, generating them into an XML(extensible markup language) based textual format file, and storing the XML based textual format file ([0033]); and converting the XML based textual format file into a binary file ([0014] and ([0065], lines 10-15).

9. With respect to claim 5, Tabatabai further discloses the binary file ([0014]) and ([0065], lines 10-15).

10. With respect to claim 6, Tabatabai discloses an object-based MPEG-4 (moving picture experts group 4) contents editing/authoring and retrieving device ([0029], lines 1-12; *Authoring*

system which transcodes between multimedia content data (which is data defined by the MPEG-4 standard))comprising:

a contents editor/author for receiving either of an MPEG-4 textual format or internal data structure information of object-based MPEG4 contents, and MPEG- 7(moving picture experts group 7) descriptions of the object-based MPEG-4 contents, combining them, editing or authoring them as an XML(extensible markup language) based textual format file or a binary file, and storing it, wherein the MPEG-7 descriptions are generated from the object-based MPEG-4 contents (see [0030], [0032] and [0033]), wherein the contents editor/author comprises:

an extensible description/binary converter for receiving the XML based textual format file including the MPEG-7 descriptions, and generating a binary file from the XML based textual format file ([0010]-[0014] and [0033]);

a contents storage unit for extracting MPEG-7 description information of the XML based textual format file edited, authored, and stored by the contents editor/author, and storing the MPEG-7 description information for a retrieval process ([0065], lines 10-15); and

a retrieval browser/reproducer for providing a user interface for retrieving MPEG-7 description information stored in the contents retriever, and reproducing the retrieved contents ([0056]).

11. With respect to claim 7, Tabatabai discloses wherein the contents editor/author comprises: an extensible description generator for receiving either of an MPEG-4 textual format or internal data structure information of object-based MPEG-4 contents, and MPEG-7 descriptions of the object-based MPEG-4 contents, and generating an XML based textual format

file including the MPEG-7 descriptions (see [0030], [0032] and [0033]);

an XML based contents storage unit for storing the XML based textual format file generated by the extensible description generator and the binary file generated by the extensible description/binary converter ([0065], lines 10-15).

12. With respect to claim 8, Tabatabai discloses wherein the contents retriever comprises:

a file parsing module for receiving the XML based textual format file or the binary file produced using the MPEG descriptions, and extracting MPEG-7 descriptions included in the corresponding file ([0056]);

an MPEG-7 description storage unit for generating the MPEG-7 description information extracted from the file parsing module into a database, and storing the information ([0056]); and

a retrieval module for retrieving the MPEG-7 description information stored in the MPEG-7 description storage unit according to a request by a user, and outputting corresponding results ([0056]).

13. With respect to claim 9, Tabatabai discloses wherein the retrieval browser/reproducer comprises: a retrieval browser for receiving a retrieval request from a user, commanding the contents retriever to perform retrieval, receiving retrieval results, and outputting them to the user; and a reproducer for reproducing the contents retrieved through the retrieval browser ([0056]).

Response to Arguments

Applicant's arguments filed 7/14/2009 have been fully considered but they are not persuasive.

Applicant's argues that Tabatabai does not disclose a binary file generated from an XML based textual file.

Examiner respectfully disagrees.

The examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider each of the cited references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage disclosed by the examiner.

Tabatabai discloses some discussion of a binary form in the cited para. [0033]. Further attention should be drawn to para. [0010]-[0015] as well. In para. [0014], which was cited with respect to claim 5, Tabatabai clearly discloses an MPEG-7 instance document which may be "encoded in a textual format using XML, in a binary format such as the binary format specified for MPEG-7 data known as "BiM," and in a mixture of the two formats."

Conclusion

14. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY D. ENGELSKIRCHEN whose telephone number is (571) 270-1903. The examiner can normally be reached on Mon.-Thurs. 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeremy D Engelskirchen/
Examiner, Art Unit 2168
November 17, 2009

/Kavita Padmanabhan/
Primary Examiner, Art Unit 2161